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MAXLINEAR, INC. and MAXLINEAR
8 COMMUNICATIONS LLC

9 UNITED STATES DISTRICT COURT

10 CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

11 ENTROPIC COMMUNICATIONS,
12 LLC,

13 Plaintiff,

14 v.

15 DISH NETWORK CORPORATION,
16 et al.,

17 Defendants.

18
19 DISH NETWORK CALIFORNIA
20 SERVICE CORPORATION,

21 Counter-Claimant,

22 v.

23 ENTROPIC COMMUNICATIONS,
24 LLC; MAXLINEAR, INC.; AND
MAXLINEAR COMMUNICATIONS
25 LLC,

26 Counter-Defendants.
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28

Case No. 2:23-cv-1043-JWH-KES
(Lead Case)

**DECLARATION OF ROSE S. LEE
IN SUPPORT OF COUNTER-
DEFENDANTS MAXLINEAR INC.
AND MAXLINEAR
COMMUNICATIONS LLC'S
OPPOSITION TO DISH NETWORK
CALIFORNIA SERVICE
CORPORATION'S *EX PARTE*
APPLICATION TO EXTEND TIME
TO AMEND AND/OR RESPOND TO
MAXLINEAR'S MOTION TO
DISMISS COUNTER-CLAIMS**

Judge: Hon. John W. Holcomb

1 I, Rose S. Lee, declare as follows:

2 1. I am a partner with the law firm of Morrison & Foerster LLP, counsel
3 for MaxLinear, Inc. and MaxLinear Communications LLC (“MaxLinear”). I
4 submit this declaration in support of MaxLinear’s Opposition to Dish’s *Ex Parte*
5 Application (ECF No. 252). I am licensed to practice law in the State of California.
6 I have personal knowledge of the matters set forth below and if called upon, I could
7 and would testify competently on the matters set forth below.

8 2. Along with other MaxLinear counsel, I engaged in meet and confer
9 discussions with Dish’s counsel on MaxLinear’s motion to dismiss on November
10 15 and 17, 2023. During these discussions, we outlined the deficiencies that are
11 addressed in MaxLinear’s motion to dismiss (ECF No. 233), including the fact that
12 Dish’s contract-based counterclaims rely on a superseded policy found on a third-
13 party blog.

14 3. Attached as **Exhibit A** is a true and correct copy of the correspondence
15 between counsel for MaxLinear and counsel for Dish from November 14 to 21,
16 2023. It reflects that Dish proposed the current schedule and that MaxLinear
17 accepted Dish’s proposal. I indicated to counsel for Dish, “We had not understood
18 your offer of an extension by 30 days to be conditioned on a hearing date in
19 February. Nevertheless, to accommodate Dish over the holidays, we will agree to
20 it. We hope that you will grant similar courtesies to our team under similar
21 circumstances going forward.” (Ex. A at 5.)

22 4. On December 15, 2023, my partner Bitra Rahebi wrote to counsel for
23 Dish to ask that Dish reconsider its position, and to promptly dismiss with prejudice
24 its counterclaims. Given that the letter contains information about the Promoter
25 Agreement that Dish has marked confidential, I have not attached the letter to this
26 declaration.

27 5. Attached as **Exhibit B** is a true and correct copy of the
28 communications between MaxLinear and counsel for Dish between December 15,

1 2023 and January 2, 2024. On December 26, 2023, Dish first informed MaxLinear
2 that it would seek *ex parte* relief. (Ex. B at 32-33.) Dish indicated it would file on
3 Thursday, December 28, 2023, and multiple of my colleagues interrupted their
4 holiday plans, including family vacations, to begin working on the anticipated *ex*
5 *parte* application. After the close of business on December 28, Dish informed us
6 that it would not file that day. (*Id.* at 26.)
7

8 I declare under penalty of perjury that the foregoing is true and correct.
9 Executed this 4th day of January 2024 in Los Angeles, California.
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11 /s/ Rose S. Lee
Rose S. Lee
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